

Appl. No. 10/722,284
Amdt. Dated July 19, 2005
Reply to Office Action of February 23, 2005

Docket No. CE11781JSW
Customer No. 24,273

CLAIM STATUS

Claims 1, 7-11, 17-20 have been rewritten. Claims 1-23 remain in the application.

REMARKS/ARGUMENTS

Claim Rejections – 35 USC § 103

Claims 1, 5-7, 11-12, 16, and 20 are rejected under 35 U.S.C. §103(a) as being obvious over Lampe (U.S. 5,568,511) in view of Childress et al. (U.S. 4,658,435).

Applicant has amended independent claims 1, 7, 11, and 20 to more clearly indicate that the push-to-talk indicator is a non-audible push-to-talk indicator. Lampe teaches only the use of an audible alert tone 208 to indicate the user of the device of Lampe may begin speaking.

Neither Lampe nor Childress suggest any need for an non-audible push-to-talk indicator. Therefore, no combination of Lampe and Childress will provide Applicant's claimed invention.

All remaining claims have been rejected under 35 U.S.C. §103(a) as being obvious over Lampe in view of Childress et al. in further view of Huang (U.S. 2004/0259586).

As noted above, neither Lampe nor Childress suggest the use of, or need for an non-audible push-to-talk indicator. Huang does not discuss push-to-talk operation or dispatch calling at all. Huang does show the use of a backlit keypad to facilitate easier identification of keys in dark conditions. Examiner contends this is sufficient motivation to combine Lampe, Childress, and Huang. Applicant disagrees.

In making an obviousness rejection by combining known technologies, Examiner has the burden to show the motivation for combining references. Furthermore, the motivation must be found in the references, or be inherent in the problem to be solved. Lampe and Childress do not provide any such motivation. Huang identifies the problem of visually locating keys on the communication device in dark conditions. Based on the problem to be solved by Huang, there is no motivation to combine Huang with Lampe and Childress because a conventional push-to-talk indicator, as described by Lampe, is audible, thus allowing the user to know when the user may speak, even in dark or low light or complete darkness. Thus, one of ordinary skill seeking to solve the problem identified by Applicant (elimination of audible alert while maintaining push-to-talk indicator functionality) would not be motivated to look to Huang. Huang's scheme of

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illumination is not tied to channel availability during a call. Furthermore, there is no suggestion in Lampe or Childress that a non-audible push-to-talk indicator is needed, or would otherwise be beneficial.

Furthermore, a combination of Lampe, Childress, and Huang, as described in those references, would not produce Applicant's claimed invention. What would result from that combination would be a communication device operable in a dispatch mode having audible call alert and push-to-talk functionality with a keypad that lights up irrespective of the push-to-talk operation.

As there is no motivation to combine Lampe, Childress, and Huang, Applicant believes Applicant's claimed invention is not obvious in view of this combination of references. Furthermore, as the combination of the three cited references will not produce Applicant's claimed invention, Applicant believes Applicant's claimed invention is not obvious in view of the combination of three references.

The Applicants believe that the subject application, as amended, is in condition for allowance. Such action is earnestly solicited by the Applicants.

In the event that the Examiner deems the present application non-allowable, it is requested that the Examiner telephone the Applicant's attorney or agent at the number indicated below so that the prosecution of the present case may be advanced by the clarification of any continuing rejection.

Respectfully submitted,

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